

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARVIN J. BELSER, SR., et al.,

Plaintiffs,

v.

Case No. 05-CV-71026-DT

DETROIT MEDICAL CENTER, et al.,

Defendants.

OPINION AND ORDER REMANDING CASE

On January 10, 2005, Plaintiffs filed a complaint in Wayne Court Circuit Court against Defendants, alleging negligence under “Michigan and/or statutory law.” (Pl.’s Compl. at ¶ 38.) On March 16, 2005, Defendant Jeannette Espy filed her “Notice of Removal” to this court. Defendant Espy’s removal was based on the United States’ certification under the Federal Tort Claims Act and the Federally Supported Health Centers Assistance Act of 1992. See 28 U.S.C. § 2679(d); 42 U.S.C. § 233. The United States was substituted for Defendant Espy and dismissed from the case on April 20, 2005. (04/20/05 Order at 1.) No other Defendants have filed answers or joined Defendant’s Espy’s notice of removal; nor does the court find an independent basis to support subject matter jurisdiction in Plaintiff’s complaint. The basis for the court’s subject matter jurisdiction no longer exists, the court declines to exercise supplemental jurisdiction over the remaining state law claims, and the court will remand the case. See 28 U.S.C. § 1367(c)(3). Accordingly,

IT IS ORDERED that the above-captioned case is REMANDED to Wayne County Circuit Court.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 28, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 28, 2005, by electronic and/or ordinary mail.

s/Lisa G. Teets
Case Manager and Deputy Clerk
(313) 234-5522